

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR WILLIS, JR.,

Plaintiff,

CIVIL ACTION NO. 13-cv-11646

v.

DISTRICT JUDGE ROBERT H. CLELAND

**COMMISSIONER OF
SOCIAL SECURITY,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendant.

REPORT AND RECOMMENDATION

I. RECOMMENDATION

The undersigned recommends that the instant Complaint (Docket no. 1) seeking judicial review of the Commissioner's decision to deny Social Security Disability Insurance Benefits and Supplemental Security Income be dismissed pursuant to E.D. Mich. Local Rule 41.2 for failure to prosecute.

II. REPORT

Plaintiff Arthur Willis, Jr. filed a civil action with the Court on April 11, 2013 seeking review of a final decision of Defendant Commissioner of Social Security's denial of Plaintiff's application for benefits. (Docket no. 1.) On April 16, 2013, the Court granted Plaintiff's application to proceed *in forma pauperis* and denied service by the U.S. Marshals as it was not requested. (Docket no. 4.) There is no record that Plaintiff served Defendant with his Complaint. On September 3, 2013, the Court entered and served an Order To Show Cause directing Plaintiff to respond in writing on or before September 17, 2013, and explain "why the . . . case should not be dismissed for failure to prosecute, pursuant to E.D. Mich LR 41.2." (Docket no. 6.) The Order To

Show Cause clearly advised that “[f]ailure to respond may result in dismissal of the case.” (*Id.*) The Order was served on counsel of record for both parties. (*Id.*)

To date, Plaintiff has not responded to the Court’s Order to Show Cause. Plaintiff has filed nothing with the Court since his initial Complaint and Application to Proceed In Forma Pauperis on April 11, 2013. (Docket nos. 1 and 2.) Local Rule 41.2 provides that “when . . . the parties have taken no action for a reasonable time, the court may, on its own motion after reasonable notice or on application of a party, enter an order dismissing or remanding the case unless good cause is shown.” E.D. Mich. LR 41.2. Plaintiff was given reasonable notice that he needed to take action or risk dismissal of his case. Accordingly, the undersigned recommends that Plaintiff’s Complaint be dismissed for failure to prosecute pursuant to E.D. Mich. LR 41.2.

REVIEW OF REPORT AND RECOMMENDATION

Either party to this action may object to and seek review of this Report and Recommendation, but must act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing objections which raise some issues but fail to raise others with specificity will not preserve all objections that a party might have to this Report and Recommendation. *See Willis v. Sec'y of Health and Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to Rule 72.1(d)(2) of the Local Rules of the United States District Court for the Eastern District of Michigan, a copy of any objection must be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be not more than five (5) pages in length unless by motion and order such page limit is extended by the Court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

Dated: April 2, 2014

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Report and Recommendation was served upon Counsel of Record on this date.

Dated: April 2, 2014

s/ Lisa C. Bartlett
Case Manager